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United States District Court

Northern District of California

Before The Honorable Charles R. Breyer

SkyWest Pilots ALPA )  
Organizing Committee, )  
et al., )

Plaintiff, )

vs. )

SkyWest Airlines, )  
Incorporated, )

Defendant. )

No. C07-2688 CRB

**COPY**

San Francisco, California  
Thursday, June 7, 2007

**Reporter's Transcript Of Proceedings**

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(Appearances continued on next page.)

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(Computerized Transcription By Eclipse)

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**Dow - Direct / Berzon**

1 about reasons why we would like them, but if I had to narrow it  
2 down to two, I would say that we would like to have a legally  
3 binding contract and we would like to remove our At-will  
4 employment status.

5 **Q.** What about having a grievance procedure with a third party?

6 **MR. QUANDT:** Your Honor, object to the relevance of  
7 this. The reasons why he wants to have ALPA as his  
8 representative, what is the relevance of that?

9 **THE COURT:** That is sustained.

10 **BY MR. BERZON:**

11 **Q.** Have you taken steps to organize your fellow copilots for  
12 the purpose of attempting to have a collective bargaining  
13 representative?

14 **A.** Yes, I have.

15 **Q.** Are you a member of the organizing -- the SkyWest ALPA  
16 Organizing Committee?

17 **A.** SkyWest Pilots ALPA Organizing Committee.

18 **Q.** Are you?

19 **A.** Yes.

20 **Q.** I'll call that the OC from time to time.

21 Are you a coordinating team member?

22 **A.** Yes.

23 **Q.** And is the coordinating team -- what is the euphemism for  
24 the coordinating team?

25 **A.** We call it the C Team.

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1 Q. The C Team.

2 Have you played a major role in the organizing  
3 campaign?

4 A. Yes.

5 Q. And what is the mission of the OC?

6 A. Well, the mission of the Organizing Committee is to educate  
7 the pilot group to the benefits of ALPA and representation.  
8 And to bring us to a vote.

9 Q. Does the OC itself seek to get recognized as a bargaining  
10 representative?

11 A. No, we do not.

12 Q. And the OC has members?

13 A. Yes.

14 Q. How many approximately?

15 A. Somewhere between 100 and 150. My best guess would be 125.

16 Q. And how many of them have permitted themselves to be  
17 publicly identified?

18 A. I believe my last count was 53 currently.

19 Q. Why haven't the others gone public?

20 A. Well, there are a lot of reasons why people choose not to  
21 go public, several of them. But I guess the main reasons --

22 MR. QUANDT: Object to this. How is he speculating,  
23 what is the foundation, he is speculating as to why other  
24 people choose not to go public?

25 THE COURT: Well, let's see. I don't know that he

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1 is speculating.

2 **BY MR. BERZON:**

3 **Q.** Do you know?

4 **THE COURT:** The question is whether it's hearsay.  
5 The question is -- I mean, he is going to testify against the  
6 people that told him why they don't want to be identified, so  
7 then the question is why isn't that hearsay, which it is.

8 And --

9 **MR. BERZON:** He is a member.

10 **THE COURT:** Well, I don't think that makes any  
11 difference. I think the difference is whether since I guess we  
12 are going to get into the impact of certain actions.

13 **MR. BERZON:** Yes.

14 **THE COURT:** By alleged actions by the company, as to  
15 whether or not that then -- that then has some impact on their  
16 ability to organize. So let's hear what the foundation is.  
17 I'm going to let it in subject to a motion to strike.

18 **BY MR. BERZON:**

19 **Q.** You had conversations with members of the Organizing  
20 Committee who have not gone public as to why they have chosen  
21 not to be public?

22 **A.** Yes, I have.

23 **MR. QUANDT:** That I object to on hearsay.

24 **THE COURT:** It's going to come in subject to a  
25 motion to strike.

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1 Go ahead.

2 **BY MR. BERZON**

3 **Q.** What have you found out from those conversations as to the  
4 reason why pilots who are members of the Organizing Committee  
5 has -- of not permitting their names to be released publicly?

6 **A.** Several pilots have told me they are afraid to go public,  
7 fearful of retribution, retaliation from the company if they  
8 were to go public. Several have told me that they are afraid  
9 that if they were to apply for a job at another airline that  
10 their application process may be sabotaged because of their  
11 support of ALPA.

12 Others have told me that they're afraid that they  
13 would not be granted check airmanship because if they were  
14 known supporters of ALPA.

15 **MR. QUANDT:** Your Honor, I renew my motion to  
16 strike. He is going --

17 **THE COURT:** No, I understand the motion. I  
18 understand the motion, and I'm taking it under submission.

19 Go ahead.

20 **BY MR. BERZON:**

21 **Q.** Has the company publicly expressed a view about whether it  
22 wants the organizing campaign to succeed?

23 **A.** Yes, it has.

24 **Q.** Where has it done that?

25 **A.** Well, there have been a couple of instances. One is on our

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1 Q. Has anyone from those airlines ever told you that you have  
2 to be able -- you have to be a union member in order to be  
3 hired?

4 MR. QUANDT: Objection, hearsay. And objection,  
5 relevance.

6 THE COURT: I think sustained. What would be the  
7 relevance?

8 MR. BERZON: The relevance is that this is a  
9 statement, "It is not necessary for anyone to join a union in  
10 order to get a job at SkyWest." It's not necessary at any  
11 carrier to join a union to get a job, whether they are union or  
12 not. And he can talk about the experience of ALPA carriers  
13 from what he knows.

14 THE COURT: I -- yeah, okay. Sustained. Objection  
15 sustained.

16 BY MR. BERZON:

17 Q. In addition to Exhibit 4, have you as a member -- as a  
18 member of the C Team, learned about other anti-union -- about  
19 hostility to the -- to the attempt by the Organizing Committee  
20 to bring ALPA to the SkyWest premises?

21 A. Yes.

22 Q. Okay.

23 Can you give us some examples.

24 A. There have been pilots who have reported to me --

25 MR. QUANDT: Objection, hearsay.

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1           **THE COURT:** I'm going to let it in subject to a  
2 motion to strike.

3           Go ahead.

4           **MR. BERZON:** Your Honor, we can put on 20 witnesses.  
5 We are --

6           **THE COURT:** I'll let it in.

7           **MR. BERZON:** Thank you.

8           **THE COURT:** That means he can testify.

9 **BY MR. BERZON:**

10 **Q.** Please answer the question.

11 **A.** Pilots have reported to me that they have been instructed  
12 not to post information on bulletin boards and crew rooms.  
13 There have been pilots who have been instructed to take their  
14 ALPA lanyards off while wearing them on duty.

15 **Q.** When did this occur?

16 **A.** Over the course of the last year and a half. Several  
17 times.

18 **Q.** Are there pilots --

19           **MR. QUANDT:** Objection, Your Honor. I'm going to  
20 object on hearsay again, and I also ask you to strike this.  
21 Among other things, we don't know, pilots have been asked by  
22 who?

23           **THE COURT:** There is -- this is called  
24 cross-examination.

25           **MR. BERZON:** And I'm about --



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1           **THE COURT:** You will be given latitude in  
2 cross-examination.

3           Okay. So the landyards about a year and a half.  
4 What about the -- you said notices as well?

5           **THE WITNESS:** Posting information notices on  
6 bulletin boards.

7           **THE COURT:** And has that taken place over the last  
8 year and a half?

9           **THE WITNESS:** Yes.

10          **THE COURT:** In both cases, the lanyards and the  
11 posting notices, approximately how many complaints have you  
12 received?

13          **THE WITNESS:** On the lanyard issue, I would guess  
14 somewhere around 20 complaints, 20 different complaints. And  
15 on the bulletin board issue, two that I can recall clearly.

16          **THE COURT:** Okay. Thank you.

17          Go ahead.

18 **BY MR. BERZON:**

19 **Q.** Have pilots talked to you about hostility they received  
20 from Tony Fizer, chief pilot?

21 **A.** Yes.

22 **Q.** What about -- what about Chief Pilot Glassey?

23 **A.** I wouldn't call it hostility, I've had reports of pilots  
24 who have had conversations with Roy Glassey, for example, about  
25 the bulletin boards.

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1 Q. And were those conversations directed to not put material  
2 up on bulletin boards?

3 MR. QUANDT: Objection, this is leading.

4 BY MR. BERZON:

5 Q. What were those conversations?

6 A. Roy Glassey instructed Marc Johnson not to post ALPA  
7 information in the crew room.

8 MR. QUANDT: Objection, hearsay.

9 THE COURT: Okay. And that will come in subject to  
10 a motion to strike.

11 BY MR. BERZON:

12 Q. Who is Roy Glassey?

13 A. He is the Chicago chief pilot.

14 Q. What about Jeff Curry?

15 A. The Denver chief pilot.

16 Q. And have there been any complaints about Curry?

17 A. Curry had asked -- I wasn't there, other members of the  
18 Organizing Committee were holding an informational meeting in  
19 Denver in a common area near the crew room and Curry asked them  
20 to leave.

21 MR. QUANDT: Objection, hearsay.

22 THE COURT: Come in subject to a motion to strike.

23 MR. BERZON: Okay.

24 BY MR. BERZON:

25 Q. Exhibit 4, which is in front of you, the letter from Brad

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1     **A.** Yes, I do.

2     **Q.** Would you identify pilots you know who were terminated,  
3     wanted to appeal and were denied an appeal by the company.

4     **A.** Yes. First one I'll mention is Mike Seymour, he was a  
5     Chicago first office.

6             **THE COURT:** Why is this relevant? Let me ask this  
7     question.

8             **MR. BERZON:** I want to show there is no grievance  
9     procedure at all, the works.

10            **THE COURT:** Let's say you are right. Let's say that  
11     this is basically a pretty illusory grievance procedure or one  
12     that is not -- doesn't protect, as we know grievance procedures  
13     don't comport with certain acknowledged ways that grievance  
14     procedures ought to proceed, to which I say, I understand that,  
15     but why would that have some bearing on the issues that I have  
16     to decide?

17            **MR. BERZON:** Because I want to establish that SAPA  
18     is not an RLA representative in any way, shape or form, and  
19     therefore, this is not a representational issue even on the  
20     broadest possible theory just to dot every I and cross every T.  
21     This case does not involve in any way a dispute between  
22     unions -- two unions -- an incumbent union in any way and  
23     another union attempting to displace a union under the Railway  
24     Labor Act.

25            **MR. QUANDT:** May I be heard?

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1           **THE COURT:** Yes.

2           **MR. QUANDT:** If the claim -- I mean, this is the  
3 heart of the legal argument in the case, but if the claim is  
4 actually being made that to have two rival unions warring with  
5 one another in order to have a representation dispute, that  
6 principle is absolutely unsupportable.

7           That representation dispute that exists with ALPA is  
8 attempting to become the certified bargaining representative  
9 for these employees, end of story. It has nothing to do with  
10 whether or not SAPA is an incumbent union within the meaning of  
11 the Railway Labor Act.

12           The issue of representational dispute is established  
13 simply by their placement which indicates that they are  
14 attempting to represent the employees, the pilots at SkyWest  
15 Airlines. End of story.

16           Now, the only other question, and I certainly  
17 understand that the issue of company domination of SAPA,  
18 whether or not the company dominates SAPA in an illegal sense  
19 or not, that is relevant to the case, I do understand that.

20           **MR. BERZON:** That was my second point.

21           **MR. QUANDT:** If it's being offered for that purpose,  
22 I have no objection.

23           **MR. BERZON:** That was my second point. First, I  
24 just want to establish that this -- I mean, because ALPA has  
25 not gone to the NMB and is not seeking recommendation at this

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1 stage what it's trying to organize to be in a position, but  
2 what I wanted to do -- so I want to establish that, one, we  
3 don't have someone who has some sort of protected status of any  
4 kind.

5 But, secondly, we are trying to show this is a  
6 company-denominated union in every regard. And we are going to  
7 deal with a number of aspects and one of them is that any  
8 protection it provides is completely illusory.

9 And it's important, I think, in that regard that  
10 there are pilots who requested assistance, specifically, and  
11 because they were denied an appeal process.

12 **THE COURT:** Well, then it's an issue of whether it's  
13 a company dominated union or representative so forth, it would  
14 be relevant to that issue.

15 **MR. BERZON:** Yes.

16 **THE COURT:** Yeah. Okay.

17 **BY MR. BERZON:**

18 **Q.** Okay.

19 So would you tell us about Mike Seymour and --

20 **A.** Mike Seymour --

21 **MR. QUANDT:** Again, we are getting into hearsay.  
22 What is his basis of knowing the circumstances --

23 **THE COURT:** You have to lay a foundation.

24 **BY MR. BERZON:**

25 **Q.** Did you receive a phone call from -- from Mike Seymour?

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1 A. I received a phone call from Mike Seymour in approximately  
2 October of 2005.

3 Q. Why did he call you?

4 A. He had been terminated.

5 Q. And why did he call you?

6 A. He was referred to me by a member on the Organizing  
7 Committee because he was looking for help on how to get his job  
8 back, how to save his job.

9 Q. Did you try to help him?

10 A. I did.

11 Q. What did you do?

12 A. I advised him to contact the people department -- I advised  
13 him to read standard practice 325, and in standard practices  
14 325 it outlines how to go about obtaining that appeals process.  
15 I advised him to contact the people department, specifically  
16 Kelly Jasmine and ask her -- request a review hearing.

17 Q. And what happened?

18 A. He was denied the review hearing. Her office called the  
19 day after the request. And told him that his review hearing  
20 had been denied.

21 Q. So in other words, he was not allowed to appeal?

22 A. That's correct.

23 Q. All right.

24 Now, what about Farouk Hamid (phonetic), did he call  
25 you?

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1 **A.** Farouk Hamid called me approximately two months ago, maybe  
2 three months ago, after he had been taken off-line.

3 He had flown a flight with a check airman and check  
4 airman didn't feel that his performance was adequate, so they  
5 took him off the trip. He had been scheduled for a meeting  
6 with the chief pilot the following day. So Farouk called me  
7 and asked me for advice on what he should do.

8 I advised him to go into the chief pilot's office  
9 and be very humble and explain that he has not been on-line  
10 very long, that he had not been flying very much. He was a  
11 reserve pilot, he only had 120 hours in the airport, and just  
12 be very humble and ask for help.

13 I didn't expect he would be terminated.

14 **Q.** What happened?

15 **A.** He was terminated the next day.

16 **Q.** Was he able to appeal?

17 **A.** As Mike Seymour did, Farouk called me and he asked what he  
18 should do. Again, I advised him to contact Kelly Jasmine,  
19 which he did via E-mail and request a review hearing.

20 He was denied the review hearing, and after that I  
21 contacted our SAPA president to ask for help, as I did with  
22 Mike Seymour's case. I called the SAPA president and said,  
23 "Hey, I've got a phone call from this guy that had just been  
24 terminated. He would like a review hearing pursuant to  
25 standard practice 325, and he has been denied. Can you help

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1 him get a review hearing?"

2 Q. Was he granted a review hearing?

3 A. He was not.

4 Q. I want to turn now to the activity of the --

5 THE COURT: Well, Exhibit 2 admitted.

6 (Plaintiff's Exhibit 2 was received in  
7 evidence.)

8 MR. BERZON: Oh, I'm sorry, Your Honor. Thank you.

9 BY MR. BERZON:

10 Q. Want to return now to the activity of the Organizing  
11 Committee.

12 And I'll try to shorten this so I'm going to ask a  
13 series of direct questions. If there is objection, I can just  
14 make it more general.

15 Did the committee try to distribute literature in  
16 crew lounges?

17 A. Yes, we have.

18 Q. Are crew lounges work areas?

19 A. No.

20 Q. Did the committee try to distribute literature in pilot  
21 mailboxes, in crew lounges, such as -- are those called B  
22 mails, by the way?

23 MR. QUANDT: Your Honor, again, foundation or  
24 objection, he is testifying.

25 MR. BERZON: I'll make it general. I was trying to



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1           What has been the company's response to the  
2 Organizing --

3           **THE COURT:** Well, I think you have to lay a  
4 foundation. What did he observe? What did he see?

5 **BY MR. BERZON:**

6 **Q.** As a leader of the organizing campaign, what did you learn  
7 about the Organizing Committee?

8           **MR. QUANDT:** Objection. It's what he observed that  
9 is relevant.

10           **THE COURT:** Sustained.

11 **BY MR. BERZON:**

12 **Q.** What have you observed?

13 **A.** I have observed the company --

14 **Q.** In general terms. We'll get to the specifics.

15 **A.** The company has instructed pilots not to post literature in  
16 crew rooms. They have instructed pilots not to leave  
17 information in crew rooms, instructed pilots not to wear the  
18 ALPA lanyards. They've instructed pilots not to solicit in  
19 crew rooms. Instructed pilots not to hold informational  
20 meetings in crew rooms.

21 **Q.** Has the company's hostility had an effect on the organizing  
22 campaign?

23 **A.** Very much so.

24 **Q.** What kind of effect?

25 **A.** Well, it's stifled our ability to communicate and has put

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1           **THE COURT:** Is the ALPA lanyard the one that is  
2 Exhibit 5 in the exhibit book?

3           **MR. BERZON:** Five.

4 I was going to move the admission.

5           **THE COURT:** Admitted.

6                   (Plaintiff's Exhibit 5 was received in  
7 evidence.)

8 **BY MR. BERZON:**

9 **Q.** Do SkyWest pilots wear other kind of lanyards other than  
10 ALPA lanyards?

11 **A.** Yes, they do.

12 **Q.** Can you describe some of the other kinds of lanyards that  
13 are worn by pilots.

14 **A.** I've seen many, many different examples of lanyards. For  
15 example, I've seen Navy lanyards, the Dodgers, the New York  
16 Mets, United Airlines.

17           Roy Glassey, the chief pilot in Chicago used to wear  
18 an Emery Air lanyard. Emery Air is the manufacturer of the  
19 Brazilia airplane that we fly. Dave Faddis, I believe his  
20 title is director of training, he used to wear a Bombardier  
21 lanyard. Bombardier is the manufacturer of another jet that we  
22 fly.

23 **Q.** What ski areas, colleges?

24 **A.** Ski areas, I have noticed many different ones, Heavenly  
25 Valley, Snow Bird. Colleges, in fact, I was in Chicago several

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1 Q. Did there come a point when you stopped wearing the  
2 lanyard?

3 A. Yes.

4 Q. Why specifically did you stop wearing the lanyard?

5 A. I was checking in for a trip in my crew room, and Susan  
6 Brown, the administrative assistant again, saw me wearing the  
7 lanyard, and she said, "Steve, you need to take that off.  
8 You'll get in trouble for wearing that."

9 Q. Did you take that seriously?

10 A. Very much so.

11 Q. Why was that?

12 A. Well, she was telling me I would get in trouble for wearing  
13 the lanyard and I didn't want to get in trouble. I like my  
14 job, I love my job.

15 Q. Are you also interested in being a check airman?

16 A. Not today but at some point in the future of my career, I  
17 would like to be, yes.

18 Q. And Susan Brown works directly for the chief pilot?

19 A. That's correct.

20 Q. Okay.

21 Was your experience with regard to wearing your  
22 lanyard unique?

23 A. No, I've had many, many reports of pilots being told to  
24 take the ALPA lanyard off.

25 MR. QUANDT: Your Honor, just for the record, again,

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1 same objection. This is hearsay.

2 **THE COURT:** Right. Come in subject to a motion to  
3 strike.

4 Over what period of time have you received these  
5 complaints?

6 **THE WITNESS:** I would say we were wearing the  
7 lanyards for approximately six months.

8 **THE COURT:** When was the six-month period,  
9 approximately?

10 **THE WITNESS:** Approximately October of '05  
11 through --

12 **MR. BERZON:** You mean '06?

13 **THE WITNESS:** No.

14 **MR. BERZON:** '05?

15 **THE WITNESS:** October of '05 through the spring of  
16 '06.

17 **THE COURT:** So the ALPA lanyard hadn't been worn  
18 since the spring of '06?

19 **THE WITNESS:** That's correct. It was around the  
20 spring of '06 that Ms. Brown asked me to take mine off. And I  
21 had phone calls from several other pilots telling me of them  
22 being told to take theirs off.

23 One pilot was met at the gate, or several pilots  
24 were met at the gate, one in particular was met at the gate by  
25 Tony Fizer, he was waiting for him at the gate and actually

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1 took him off-line -- threaten to take him off-line, took him to  
2 his office for wearing the ALPA lanyard.

3 There was another instance, David Boehm was in  
4 upgrade training, upgrading from first officer to captain, and  
5 he was in the training department, not in uniform. You are not  
6 required to be in uniform when you are in training. He was  
7 wearing his ALPA lanyard, and Jason Meister came to him and  
8 instructed him that he had been told by Roy Glassey to tell  
9 David that if he wanted to wear an ALPA lanyard, he should go  
10 work for an ALPA carrier.

11 **MR. QUANDT:** Your Honor, same objection. It's  
12 hearsay.

13 **THE COURT:** It may come in subject to a motion to  
14 strike.

15 **BY MR. BERZON:**

16 **Q.** Let me ask a foundation question.

17 Did you receive all these reports because of your  
18 position on the C Team?

19 **A.** Yes. I get phone calls on a daily basis from Organizing  
20 Committee members.

21 **Q.** Okay.

22 Does the C Team have periodic phone calls to  
23 coordinate efforts and exchange reports concerning what is  
24 happening with regard to the Organizing Committee?

25 **A.** We've held almost weekly -- we try to hold them every week

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1 and we are presently successful at it. We may have missed a  
2 few phone calls, but we do hold weekly conference calls. And  
3 one of the subjects on the conference calls are issues that  
4 have come up on-line, for example, people being instructed to  
5 take off their lanyards or disciplined.

6 Q. Do the coordinating team members take it upon themselves to  
7 go out and obtain these reports?

8 A. No, these reports are freely given to us.

9 Q. And is it important to the C Team to be able to receive  
10 these reports?

11 A. Yes, it is.

12 Q. Why is that?

13 A. Well, it's important so that we understand what is going on  
14 on the campaign. We understand the concerns of pilots that are  
15 volunteering for this organizing campaign.

16 Q. Okay.

17 What impact did taking off the lanyards have on the  
18 organizing campaign?

19 A. Well, it had a huge impact. Wearing the lanyards was a  
20 great way, as I said earlier, to open the door for  
21 conversation. For example, when I would be flying and come  
22 into a base where another crew is taking over my airplane,  
23 pilots coming on the airplane would see me wearing my lanyard,  
24 and it would just open the door for them to ask questions about  
25 the campaign.

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1 have done.

2 **MR. BERZON:** I'll lay a foundation.

3 **BY MR. BERZON:**

4 **Q.** Have you received reports as part of your responsibilities  
5 as a member of the C Team from pilots concerning what happened  
6 when they have attempted to post ALPA materials on bulletin  
7 boards?

8 **A.** I have received reports from Organizing Committee members  
9 who have posted on the bulletin boards. I have a posted on  
10 bulletin boards myself. The information that I have posted on  
11 bulletin boards has been routinely and promptly removed. And  
12 I've received reports from other Organizing Committee members  
13 who have been instructed by their chief pilots or from  
14 administrative assistants not to post information on the  
15 bulletin boards.

16 **MR. QUANDT:** And I object --

17 **THE WITNESS:** To clarify --

18 **THE COURT:** We have to let the person answer.

19 Now, you object.

20 **MR. QUANDT:** I object on hearsay, Your Honor.

21 **THE COURT:** And you are objecting as to the portion  
22 of the testimony as it relates to reports that he has received  
23 of this happening to other people.

24 **MR. QUANDT:** Thank you, Your Honor. Well stated.

25 **THE COURT:** Well, I don't know how well stated it

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1 is, but that is my statement.

2 So my first question is, these reports that you have  
3 received from other people, over what period of time and when  
4 did that occur?

5 **THE WITNESS:** Periodically over the course of the  
6 campaign from October of 2005 until as recently as, I believe,  
7 just a few months ago. When Andy Bharath was instructed by  
8 Jeff Curry not to post in crew rooms.

9 **THE COURT:** So this can come in subject to a motion  
10 to strike.

11 Go ahead, next.

12 **BY MR. BERZON:**

13 **Q.** Have you ever seen or heard of anyone removing, taking  
14 down, personal material from bulletin boards before they became  
15 outdated?

16 **A.** No.

17 **Q.** Has there ever, to your knowledge, been any complaint from  
18 the company about pilots posting personal material on bulletin  
19 boards?

20 **A.** No. It's a common practice and it's -- stuff is posted on  
21 bulletin boards throughout the system routinely, and it stays  
22 up in Colorado Springs crew room, for example, there is one  
23 bulletin board that has had information on there, such as  
24 business cards that have been up there as long as I have been  
25 based in the Colorado Springs, the same business cards.



## Dow - Direct / Berzon

1 Q. With regard to the general bulletin boards, does SAPA post  
2 information on these bulletin boards?

3 A. SAPA posts information on bulletin boards throughout the  
4 system. In fact, in a couple of domiciles, they have dedicated  
5 bulletin boards. And those areas where they are not dedicated  
6 bulletin boards, they share them with common use bulletin  
7 boards. Sometimes they will just take out a corner of the  
8 bulletin board or just post on the bulletin board.

9 But in Colorado Springs and Chicago, they have  
10 dedicated SAPA bulletin boards.

11 Q. Have you ever heard of any reports or personally seen SAPA  
12 materials removed from bulletin boards?

13 A. No.

14 Q. Okay.

15 I would like to turn to Exhibit 7 and 8.

16 Would you look at Exhibit 7, please.

17 A. Okay.

18 Q. Do you recognize Exhibit 7?

19 A. Yes, I do. This is the dedicated SAPA bulletin board in  
20 the Chicago crew lounges.

21 Q. Have you seen that personally?

22 A. Yes, I have.

23 MR. BERZON: I move the admission of that into  
24 evidence.

25 THE COURT: Approximately when was Exhibit 7 taken?

Dow - Direct / Berzon

1 Q. Okay.

2 You mentioned that SAPA addressed you at the  
3 beginning of the indoctrination program. What is the impact of  
4 SAPA doing that?

5 A. It's a huge impact. You have brand-new pilots, many of  
6 them on their first airline job who are very impressionable at  
7 this new job that they have, and so they come in and they hear  
8 a presentation from SAPA describing all the benefits of SAPA  
9 and the representation and whatnot. So they believe that to be  
10 the true story and the whole story. They have heard nothing  
11 else and they have no basis to form an opinion on it.

12 Q. Are new pilots impressionable in your view?

13 A. Very much so. I know I was.

14 Q. Is there a name within the airline for new pilots, the  
15 syndrome that they have?

16 A. We call it a Shiny New Jet Syndrome.

17 Q. Did the company's actions, to your knowledge, pulling  
18 literature off bulletin boards, out of mailboxes, stopping you  
19 from wearing the lanyards, create a problem for the organizing  
20 campaign?

21 A. Well, it created several problems for the organizing  
22 campaign. Again, the problem has been our inability to  
23 communicate with the group, and also instilled fear in  
24 Organizing Committee members of talking publicly about the  
25 organizing campaign or showing their support for the organizing

## Dow - Direct / Berzon

1 campaign.

2 Q. And why haven't you just defied what the company has done  
3 and just done it anyway?

4 A. I love my job and I would like to stay employed. I have a  
5 family to provide for.

6 Q. Now, you mentioned previously that you someday might want  
7 to be a check airman. Do the chief pilots decide -- does  
8 management decide who is going to be a check airman?

9 A. Yes.

10 Q. Now, you are a plaintiff in this lawsuit, right?

11 A. Yes, I am.

12 Q. Why did you decide to bring the lawsuit?

13 A. Well, personally, and communication with the other  
14 coordinating team members in our discussions, we felt like our  
15 rights have been violated. We have tried for a very long time  
16 to work with the company to address these issues. We have  
17 tried many different avenues and made many attempts at  
18 conversations, and we have basically just been stonewalled.

19 Q. Did you write the company first and ask them to try to  
20 solve the problem?

21 A. Well, we started by verbal communications with chief pilots  
22 throughout the system, and when we got nowhere with that, we  
23 decided to send a formal written request to Brad Holt, the vice  
24 president of flight operations, asking for a meeting to discuss  
25 these issues. And we did not get an answer from that letter.

**Alford - Direct / Berzon**

1 Q. And were you on company time?

2 A. No, I was not.

3 Q. Who is Captain Shane Losse?

4 A. Captain Shane Losse is the manager of training at the  
5 facility in Salt Lake City.

6 Q. So he is the manager of training at Salt Lake City, is that  
7 management?

8 A. Yes, it is.

9 Q. And who is Captain David Faddis who told him to tell you to  
10 stop, who is Captain David Faddis?

11 A. Captain Faddis is the director of flight standards at  
12 SkyWest Airlines.

13 Q. Where is he located?

14 A. St. George, Utah.

15 Q. Company headquarters?

16 A. Yes, it is.

17 Q. And is he the boss of Captain Shane Losse?

18 A. He is.

19 Q. Okay.

20 At the dinner that night, what was attendance like?

21 A. It was pretty high. There were quite a few individuals,  
22 probably 35 to 40 pilots.

23 Q. And to what do you attribute the attendance you got?

24 A. Our ability to hand out the flyers and talk to those pilots  
25 that we did reach.

**Alford - Direct / Berzon**

1 Q. Did you keep distributing the flyers after Captain Losse  
2 told you to stop?

3 A. No, we respected the company's wishes at that point and  
4 left the property.

5 Q. Prior to the temporary restraining order, did you ever do  
6 so again?

7 A. No, we did not.

8 Q. Why not?

9 A. For fear of retaliation, disciplinary action on the part of  
10 the company.

11 Q. Did you at any -- at one time wear ALPA lanyards?

12 A. I did.

13 Q. Why did you do that?

14 A. I wanted to show support for the campaign, and as Captain  
15 Dow has pointed out, it makes you approachable by other pilots.

16 Q. And did you stop wearing them?

17 A. Yes, I did.

18 Q. Why?

19 A. Because of the reports that we had had from other pilots  
20 that had confrontations with chief pilots that were wearing the  
21 lanyard.

22 Q. Was that similar to what happened -- were these reports  
23 similar to what happened to you personally distributing the  
24 flyers at the training center?

25 A. Yes, it was similar.

**Alford - Direct / Berzon**

1 Q. And why didn't you wear the lanyards anyway?

2 A. Again, for fear of disciplinary action on the part of the  
3 company.

4 Q. Did you apply for a check airman position earlier this  
5 year?

6 A. Yes, I did.

7 Q. When?

8 A. In the fall I submitted the application on-line.

9 Q. And --

10 A. Fall of '06.

11 Q. What is a check airman position?

12 A. A check airman provides additional training, initial  
13 operating experience with the new hire pilots after  
14 successfully completing training will fly with a check airman  
15 on-line for line experience.

16 Q. Do you spend more than 50 percent of your time training  
17 pilots when you are a check airman?

18 A. Yes, you would.

19 Q. Is the check airman position considered a promotion?

20 A. Yes.

21 Q. Why is that?

22 A. There is an override on your hourly rate, a little  
23 prestigious and status comes with that position.

24 Q. When you say "override," you mean you make more money?

25 A. A little more money, yes.

**Alford - Direct / Berzon**

1 Q. And does the check airman position involve teaching?

2 A. Yes, it does.

3 Q. And what is your view about teaching?

4 A. I like teaching, I like it very much. It's an opportunity  
5 to give back to the profession.

6 Q. And you were previously a check airman from 2000 to 2002?

7 A. Yes.

8 Q. What happened to your application this year?

9 A. It was denied.

10 Q. Why was it denied?

11 A. Because of the -- my union activity, my politics as they  
12 call them.

13 MR. QUANDT: Objection..

14 THE COURT: Lay a foundation.

15 MR. BERZON: I will lay a foundation.

16 I would like the Court and the witness to turn to  
17 Exhibit number 10, please.

18 BY MR. BERZON:

19 Q. This is an E-mail string and let's go to the bottom of the  
20 page.

21 Captain Alford, did you send an E-mail on  
22 January 11th, 2007 to Dave Faddis?

23 A. Yes, I did.

24 Q. Who is David Faddis?

25 A. Captain Dave Faddis is the director of flight standards at

**Alford - Direct / Berzon**

1 SkyWest.

2 Q. And he is the same Dave Faddis who Captain Losse said told  
3 him to tell you to stop distributing flyers?

4 A. Yes, the same person.

5 Q. He's in St. George?

6 A. Yes, he is.

7 Q. Would you read what you wrote Captain Losse -- Captain  
8 Faddis?

9 A. "Dave, anything I should know about being passed over again  
10 for check airman? Based on what you have told me, it is not  
11 performance related, and you know that I keep politics out of  
12 training, so can you enlighten me, please?"

13 Q. What had he told you about why you were denied?

14 A. I have always been told that the company was satisfied with  
15 my performance as a pilot and a check airman, that I did a good  
16 job at both.

17 Q. Okay.

18 Would you read to the Court what -- turn next to the  
19 return message from Captain Dave Faddis dated January 22nd,  
20 2007.

21 A. "Phil, I'm sorry that you are passed over again, but it  
22 seems that your views in the past continue to follow you right  
23 now. I'm trying to be as honest with you as I can. I know  
24 that you keep your politics out of your check airman work, but  
25 it always comes up in the comment section of my list. My



**Alford - Direct / Berzon**

1 advice to you is to put your politics at rest and give yourself  
2 an opportunity to become a check airman again if that is what  
3 you want. What I'm saying is you need to promote yourself with  
4 the chiefs as being a SkyWest guy, and wanting to make SkyWest  
5 as safe as it can through your check airman work.

6 "I don't know, Phil. I'm just throwing out a few  
7 ideas. Even though our views on politics are not the same, I  
8 feel that you have always been friends and that is why I am  
9 responding to you in this manner.

10 "Phil, please don't take these comments as negative  
11 because I don't mean them to be, take them as positives for the  
12 future.

13 "Remember, time heals a lot of things. That's what  
14 they say. So hang in there and please feel free to call me or  
15 chat at any time."

16 Q. Okay.

17 Now, we have established who Dave Faddis is. How  
18 long have you known Dave?

19 A. I have known Dave for approximately 22 years.

20 Q. Did you -- before he Boehm management, did you and he have  
21 approximately comparable seniority?

22 A. Yes, Dave is a little senior to me. I don't recall how  
23 much.

24 Q. The E-mail -- let's break up this E-mail a little bit.

25 It says at one point, "your politics" and then it

**Alford - Direct / Berzon**

1 goes on "but it always comes up in the comment section of my  
2 list." Who makes comments to the director of flight standards  
3 with regard to someone becoming a check pilot?

4 **A.** The chief pilots certainly weigh in and the other  
5 departments. Human resources would be one.

6 **Q.** Are all of the people who do make comments, are they all  
7 management?

8 **A.** Yes.

9 **Q.** Now, when he says that your politics always comes up in the  
10 comment section of your list, the management comments on the  
11 list, do you know what politics he is talking about?

12 **A.** Yes. I do.

13 **Q.** What politics is he talking about?

14 **A.** Organizing, union organizing.

15 **Q.** Okay.

16 Have you ever discussed --

17 **MR. QUANDT:** May I be heard on an objection? I'm  
18 objecting to this entire line of questioning at this point.  
19 I've been trying to confirm. There is nothing in any of the  
20 papers in this case related to the allegations. Apparently  
21 there is an allegation here that the man is being denied what  
22 some people would term as a promotion, which does have  
23 financial consequences because of union activity.

24 Your Honor, that is not in the complaint, not in any  
25 of the declarations, not been made part of the record in the

**Alford - Direct / Berzon**

1 case. I would ask that this testimony be struck.

2 **THE COURT:** Overruled.

3 Go ahead.

4 **BY MR. BERZON:**

5 **Q.** Have you ever discussed other -- have you discussed your  
6 union politics with Captain Faddis?

7 **A.** Yes, I have.

8 **Q.** Have you discussed ALPA with Captain Faddis?

9 **A.** Yes, I have.

10 **Q.** Have you ever discussed any other kind of politics with  
11 Captain Faddis?

12 **A.** No, we don't talk about that.

13 **Q.** You ever talk about the mayor of Salt Lake?

14 **A.** No.

15 **Q.** The mayor of St. George?

16 **A.** No.

17 **Q.** How about any Governor races?

18 **A.** No, we don't.

19 **Q.** Senator?

20 **A.** No.

21 **Q.** What was the impact of --

22 **THE COURT:** Exhibit 10 admitted.

23 (Plaintiff's Exhibit 10 was received in  
24 evidence.)

25 **MR. BERZON:** Thank you.

**Alford - Direct / Berzon**

1 Sorry, Your Honor.

2 **BY MR. BERZON:**

3 **Q.** What was the impact of getting this E-mail from Captain  
4 Faddis on you?

5 **A.** Well, I was hurt, a little angry and disappointed.

6 **Q.** How did it make you feel about wanting to have a union?

7 **A.** Reconfirmed my beliefs in that area.

8 **Q.** After getting this Dave Faddis E-mail that you weren't  
9 getting promoted because of your politics and after the  
10 incident --

11 **THE COURT:** What was the question?

12 **BY MR. BERZON:**

13 **Q.** Subsequent to your getting this E-mail from Captain Faddis  
14 and subsequent to being told that the training center on the  
15 sidewalk that you had to stop giving out literature, how did  
16 you feel about continuing to participate in expressive  
17 activities on behalf of the union?

18 **A.** I -- a little resentful, fearful.

19 **Q.** Since the TRO has been issued, have you seen pilots wearing  
20 lanyards on the property?

21 **A.** Yes, I have. I have personally handed out four or five  
22 since the TRO was in effect.

23 **Q.** Have you worn a lanyard --

24 **A.** Yes, I have.

25 **Q.** Since the TRO, have you seen ALPA literature in crew rooms?

**Alford - Direct / Berzon**

1 **A.** Yes, I have.

2 **Q.** I want to turn to SAPA for some brief questioning.

3 Are you familiar with SAPA?

4 **A.** Yes, I am.

5 **Q.** For how long have you been familiar with SAPA?

6 **A.** Since its inception in late '94, early '95.

7 **Q.** What do you base that familiarity on?

8 **A.** I know Captain Anthony Wood, nicknamed Woody. He and I had  
9 a conversation regarding this.

10 **MR. QUANDT:** Objection. Again hearsay, Your Honor.

11 **BY MR. BERZON:**

12 **Q.** Was Captain Anthony Wood the pilot who founded SAPA?

13 **A.** Yes, he was.

14 **Q.** Okay.

15 Were you a SAPA representative?

16 **A.** Briefly in 1998.

17 **Q.** Have the pilots ever voted on whether to be represented by  
18 SAPA?

19 **A.** No, they have not.

20 **Q.** Is SAPA independent of the company?

21 **MR. QUANDT:** Objection, Your Honor, that is a legal  
22 conclusion.

23 **THE COURT:** Well, you are asking him is his view  
24 that SAPA is independent of the company, that is the question.

25 **THE WITNESS:** No, they are not.

**Alford - Direct / Berzon**

1 **BY MR. BERZON:**

2 **Q.** Okay.

3 Based on your knowledge of SAPA from being a  
4 representative and being a member all these years, who controls  
5 the SAPA budget?

6 **A.** The company controls their budget.

7 **Q.** Who funds SAPA?

8 **A.** The company does.

9 **Q.** Who pays the three SAPA officers?

10 **A.** SkyWest pays them.

11 **Q.** Do they make more than line pilots?

12 **A.** Yes, they do.

13 **Q.** Was the company involved in the formation of SAPA?

14 **MR. QUANDT:** Objection. We need foundation on this,  
15 Your Honor.

16 **BY MR. BERZON:**

17 **Q.** Did you have conversations with the pilots who founded  
18 SAPA?

19 **A.** Yes.

20 **MR. QUANDT:** Objection. This is hearsay, then.

21 **BY MR. BERZON:**

22 **Q.** Did you do this --

23 **THE COURT:** Okay. Sustained.

24 **MR. BERZON:** The Tenth Circuit case says the federal  
25 Rules of Evidence don't apply --

**Alford - Cross / Quandt**

1 **A.** There were three of us.

2 **Q.** Okay.

3 And somebody came out and asked you to not do that  
4 on the sidewalk, correct, sir?

5 **A.** That's correct.

6 **Q.** Okay.

7 You weren't told, leave the sidewalk or you're going  
8 to be discharged. You were told -- you were asked to leave the  
9 sidewalk; isn't that correct, sir?

10 **A.** That's correct. When an order comes from Captain Faddis,  
11 it's like Santa's directory, you leave the property.

12 **Q.** It was stated to you as a request, was it not?

13 **A.** Actually, I believe his exact words were, "Dave Faddis says  
14 you cannot be here."

15 **Q.** Fair enough.

16 Do you happen to know whether the airport has rules  
17 related to people handbillling on their property?

18 **MR. BERZON:** Excuse me, Your Honor. I have no  
19 reason to know --

20 **THE COURT:** He is asking him if he knows.

21 **THE WITNESS:** No, I do not know what their rules  
22 would be.

23 **BY MR. QUANDT:**

24 **Q.** But you weren't told during that conversation that the  
25 airport doesn't allow you to go on the sidewalk and conduct a

**Shrier - Direct / Iye**

1 A. I was a geologist in the mining industry for 20 years and  
2 left that.

3 Q. And what is your relationship to the Organizing Committee?

4 A. I am a member of the Organizing Committee and a member of  
5 the coordination team.

6 Q. Have you ever worn an ALPA lanyard while in uniform,  
7 Captain Shrier?

8 A. Yes, I have.

9 Q. And is it important for you to be able to do so?

10 A. Very important.

11 Q. Why?

12 A. Two things. It advertises that I'm a member of the  
13 Organizing Committee, and it also advertises our campaign for  
14 other pilots.

15 Q. And did you stop wearing your ALPA lanyard while in uniform  
16 at some point?

17 A. Yes, I did.

18 Q. Why?

19 A. I had a confrontation with management relative to that  
20 lanyard.

21 Q. Who in management?

22 A. Captain Tony Fizer, chief pilot in Salt Lake.

23 Q. And is chief pilot a management position?

24 A. Yes, it is.

25 Q. When did this incident happen?



**Shrier - Direct / Lye**

1 A. My recollection is July or August of last year, 2006.

2 Q. Okay. And can you describe what happened.

3 A. I was reporting to my airport one morning walking out the  
4 key concourse of the Salt Lake terminal, and Captain Fizer was  
5 waiting at the concourse door in front of my airplane.

6 Q. Is it normal for the chief pilot to be waiting for you at  
7 the concourse door as you approach the airplane?

8 A. No.

9 Q. Had that ever happened to you before?

10 A. Never happened to me before.

11 Q. Then what happened when you approached?

12 A. I exchanged greetings with Captain Fizer. He dispensed  
13 with greetings and immediately said, "take that off," pointing  
14 at me.

15 Q. What was he pointing at?

16 A. My ALPA lanyard.

17 Q. And then what happened?

18 A. I said, "why do you want me to take that off?"

19 Q. What was his response?

20 A. His response was that it was a nonuniform standard lanyard.

21 Q. And what was your response?

22 A. My response was that I just come from the crew room where  
23 the majority of pilots did not have a non -- or did not have a  
24 standard uniform lanyard on, and, you know, did not understand  
25 that the policy -- why was the policy being effected with me

**Shrier - Direct / Lye**

1 there right then and there.

2 Q. And then what happened after this?

3 A. Well, then Captain Fizer commanded, or ordered, a very  
4 military style command to me to take it off.

5 Q. And did you at that point?

6 A. Again, no. I said, "Please put the applicable policy in my  
7 V file, my mail file. I do have to get out to the airplane and  
8 get to work today," after which he said, "No. Follow me now to  
9 my office. You are taken off your trip."

10 Q. And did you follow him to his office?

11 A. Yes, I did.

12 Q. And then what happened.

13 A. Initially, he had me wait outside while he closed the door.  
14 He said he had a phone call to make.

15 Q. And then when he was done with his phone call what  
16 happened?

17 A. He called me into his office. He had two computer screens  
18 up.

19 Q. Did he do something with the computer screens?

20 A. Yes, he had me read them. One screen was our crewmember  
21 policy section relating to uniform and lanyard, so I read he  
22 lanyard policy.

23 The other section was our discipline and discharge  
24 policy. And he had me read a section on insubordination. And  
25 following down the discipline section on termination.

**Shrier - Direct / Lye**

1 Q. And so what in your mind was the significance of him having  
2 you read these paragraphs from the crewmember policy manual?

3 MR. QUANDT: Objection. Calls for speculation.

4 THE COURT: Isn't it obvious? First of all, that is  
5 an improper objection, but overruled.

6 Go ahead.

7 What was your --

8 MS. LYE: Understanding?

9 THE COURT: Understanding.

10 THE WITNESS: Your Honor, he was clearly connecting  
11 my insubordination to termination and accusing me of  
12 insubordination on the lanyard policy.

13 BY MS. LYE:

14 Q. Have you ever heard of other pilots being terminated for  
15 wearing a nonSkywest lanyard?

16 A. No, never.

17 Q. What in your experience are the normal sorts of offenses  
18 that lead to termination at SkyWest?

19 A. I am aware of some alcohol violations, gross training  
20 failures or possibly safety issues.

21 Q. And that day, had you seen any other pilots wearing  
22 nonSkyWest lanyards?

23 A. Yes. It was very common. The crew room was full of  
24 nonstandard lanyards on pilots at that point in time.

25 Q. And so what was the upshot of this interchange with Captain

**Shrier - Direct / Lye**

1 Fizer?

2 **A.** Well, ultimately I took my ALPA lanyard off.

3 **Q.** Why?

4 **A.** Well, because I had been clearly threatened with discipline  
5 and potential discharge.

6 **Q.** Prior to wearing your ALPA lanyard, had you ever worn any  
7 other nonSkyWest lanyards?

8 **A.** Yes, I had. The only lanyard that I had ever worn in my  
9 history in SkyWest was a blue snowbird lanyard.

10 **Q.** And had you ever been approached for wearing that blue  
11 snowbird lanyard?

12 **A.** No, never have.

13 **Q.** Thank you.

14 I would like to turn to a different topic. Do crew  
15 lounges have bulletin boards?

16 **A.** Yes, they do.

17 **Q.** What kinds?

18 **A.** In the Salt Lake crew room where I'm domiciled, there are  
19 several. There is an operational bulletin board with company  
20 operational information on it. There is a swap board where  
21 people post trips for swapping or exchange with other pilots.  
22 And then there is a general bulletin board that has a title  
23 across the top, "miscellaneous."

24 **Q.** And have you ever posted nonALPA-related materials on the  
25 general bulletin boards in a crew lounge?

**Boehm - Direct / Lye**

1 Q. Were you a relatively new pilot with SkyWest at the time?

2 A. Yes, I was.

3 Q. And so how did you feel in terms of your chief pilot  
4 approaching you about the specific uniform issue?

5 A. I didn't want to make any waves with the company, always  
6 want to work and do the best job I can, so anytime your boss  
7 comes to you like that, there is a concern.

8 Q. If you could slow down just a little bit for the court  
9 reporter that would be helpful. Thank you.

10 Have you ever seen Captain Hecker ask anyone else to  
11 remove a nonSkyWest lanyard?

12 A. No.

13 Q. After this incident, did you continue to wear your ALPA  
14 lanyard while not in uniform?

15 A. Yes.

16 Q. And were you ever confronted by SkyWest management for  
17 wearing it while not in uniform?

18 A. Yes.

19 Q. Can you please describe that incident.

20 A. In December of 2006, I was in upgrade training in  
21 Salt Lake City.

22 Q. Can you tell us just what upgrade training means.

23 A. I was a first officer before December, and then I was  
24 awarded an upgrade to become a captain in December, and you  
25 have to attend training, and I was in that class.

**Boehm - Direct / Lye**

1 Q. And what happens if you don't upgrade?

2 A. If you don't complete the upgrade training, your employment  
3 is terminated.

4 Q. So I'm sorry, let's go back to the -- your experience in  
5 upgrade training. What happened?

6 A. I was in -- I was in class. We were -- our class was  
7 visited by Dave Faddis, who is the director of -- I understood  
8 it to be flight training, I think his title is now flight  
9 standards. He gave us a presentation of things going on at  
10 SkyWest.

11 After the presentation was over, I was pulled aside  
12 by my instructor, Jason Meister, and he instructed me to --  
13 that Dave Faddis requested that I remove my lanyard and not  
14 wear it in the training center.

15 Q. Did he say specifically what Dave Faddis had said?

16 A. Yes. He said Dave Faddis wanted to --

17 **MR. QUANDT:** Objection, Your Honor. Again, hearsay.

18 **THE COURT:** Overruled.

19 **BY MS. LYE:**

20 Q. You can answer the question.

21 A. Okay.

22 He said that Dave Faddis wanted me to know that if I  
23 wanted to wear an ALPA lanyard that I need to go work for an  
24 ALPA company and that it was a slap in the face of SkyWest.

25 **THE COURT:** Who is telling you this?

**Boehm - Direct / Lye**

1           **MS. LYE:** Jason Meister.

2           **MR. BERZON:** Jason Meister, Your Honor.

3           **THE COURT:** That indicates on the exhibit -- I don't  
4 know where this exhibit came from -- it indicates on the  
5 exhibit he is management.

6           **MR. BERZON:** Right. We will do that with  
7 Captain Kanuch.

8           **THE COURT:** Okay, go ahead.

9           **BY MS. LYE:**

10          **Q.** I don't remember where we left off.

11                       What did Mr. Meister relay to you?

12          **A.** Again, he told me to take off the -- that Dave Faddis  
13 wanted me to remove the lanyard, and that if I wanted to work  
14 for an ALPA company, I should go do that, and it was -- it was  
15 a slap in the face of SkyWest to wear the lanyard.

16          **Q.** To wear which lanyard?

17          **A.** The ALPA lanyard.

18          **Q.** And so how did you interpret this statement? What did you  
19 think would be the consequences if you continued to wear your  
20 ALPA lanyard while in training?

21          **A.** I thought I would be fired. Considering I was in upgrade  
22 training, if I didn't complete the training, I would be fired  
23 anyway, and I didn't want anything to go wrong.

24          **Q.** When you were told to take off your ALPA lanyard, were you  
25 told that wearing the ALPA lanyard was a violation of any kind

**Boehm - Direct / Lye**

1 And what impact did this interaction with SkyWest  
2 management at the training center have on you?

3 **A.** I definitely felt stifled to discuss our campaign while I  
4 was training. And during training you have frequent breaks, so  
5 there was ample opportunity to do that, but I definitely felt  
6 like I probably shouldn't if I wanted to get through training.

7 **Q.** Okay.

8 And are you aware that a TRO has been issued in this  
9 case?

10 **A.** Yes.

11 **Q.** Has it had any effect on your behavior?

12 **A.** Yes.

13 **Q.** And what?

14 **A.** Well, I'm wearing my lanyard now when I'm flying. And I  
15 feel a lot more open to discuss our campaign with fellow pilots  
16 and to discuss it openly in crew lounges and any other time we  
17 are on break.

18 **Q.** Okay. Thank you, Captain Boehm. That's all I have for  
19 you.

20 **CROSS-EXAMINATION**

21 **BY MR. QUANDT:**

22 **Q.** Good morning -- or, good afternoon, sir.

23 Very quickly here -- and I'm going to slow down --  
24 the timing -- the first time you were told to remove the  
25 lanyard occurred where?



**Bharath - Direct / Ginsburg**

1   congregate in big groups that would allow us to communicate  
2   with them, so we come up with these creative ways to reach out  
3   to the pilots. And we just keep hitting these roadblocks, and  
4   it's just a little frustrating.

5   Q. Did you set up an information table in that area again  
6   after your conversation with Captain Curry?

7   A. No, we did not.

8   Q. Now, there has been some testimony about the new hire  
9   presentations, and I just want to ask you a couple of questions  
10   about that.

11                   Do you recall whether a SAPA presentation was made  
12   at your training -- your first training class?

13   A. Yes.

14   Q. Okay. Can you recall what the substance of that  
15   presentation was?

16   A. It was basically that SAPA was a better alternative to  
17   union representation.

18   Q. And are you aware of the content of SAPA presentations  
19   currently?

20   A. Yes.

21   Q. And what do you know about the content of those  
22   presentations?

23   A. Former ALPA members in our new hire classes called me to  
24   complain that certain SAPA reps were providing inaccurate  
25   information about ALPA to the new hire pilots.

**Bharath - Direct / Ginsburg**

1 Q. Okay. Were they comparing, as far as you know, ALPA and  
2 SAPA?

3 A. I'm not sure if there is a comparison made, but there was  
4 some inaccurate information that was being presented to the new  
5 hires regarding ALPA.

6 Q. Okay.

7 I would like to turn your attention to Exhibit 12,  
8 which has already been admitted into evidence, the letter from  
9 the OC to Brad Holt.

10 There was testimony from Captain Dow about this  
11 document; are you familiar with the document?

12 A. Yes, ma'am.

13 Q. And did you receive a response from management to this  
14 document?

15 A. Yes, ma'am, I did receive, eventually receive a response  
16 from Todd Emerson.

17 Q. And did Mr. Emerson refuse to agree to any of the requests  
18 you had made in that letter?

19 A. He indicated that the company politely declined all  
20 requests.

21 Q. Now, you are aware that there is a TRO issued in this case?

22 A. Yes, ma'am.

23 Q. Have you seen any effect at SkyWest since the TRO was  
24 issued?

25 A. Yes, ma'am.

**Kanuch - Direct / Berzon**

1 I want to direct your attention to the bottom of  
2 this sheet. It says Michael Eisenstadt, and it says,  
3 "management"; is that the Michael -- as far as you know, is  
4 that the only Michael Eisenstadt who is an ALPA pilot -- I  
5 mean, is a SAPA pilot -- excuse me, I mean a SkyWest pilot?  
6 It's getting late.

7 **A.** Yes.

8 **Q.** Okay.

9 Who is Jason Meister?

10 **A.** He is the chief CRJ ground instructor.

11 **Q.** Is the chief COA ground instructor management?

12 **A.** Yes, to my knowledge.

13 **Q.** And what does this say here next to him?

14 **A.** "Management."

15 **Q.** Now, next to the other people on the list, are they  
16 identified at all with the three letters, "MGT"?

17 **A.** No.

18 **Q.** Okay.

19 **MR. BERZON:** I would like to introduce this into  
20 evidence, Your Honor.

21 **THE COURT:** Admitted.

22 (Plaintiff's Exhibit 16 was received in  
23 evidence.)

24 **MR. SPAGET:** Well, I'm going to object.

25 Lack of foundation.

## Kanuch - Direct / Berzon

1 Q. And can you explain that.

2 A. It was sometime last year in the Salt Lake crew lounge I  
3 saw Lou Bodkin (phonetic) remove something off the wall and  
4 throw it in the trash can.

5 Q. And it was an Organizing Committee --

6 A. I don't know if it was a meeting or just like a newsletter.

7 MR. BERZON: And I move the admission of Exhibit 15.

8 THE COURT: Admitted.

9 (Plaintiff's Exhibit 15 was received in  
10 evidence.)

11 MR. BERZON: Thank you, Your Honor.

12 BY MR. BERZON:

13 Q. As a SAPA representative, we have heard a lot of discussion  
14 about presentation by SAPA at the training center; as a SAPA  
15 representative, do you know whether SAPA mentions ALPA as  
16 presentations?

17 A. Yes, I've been told so.

18 Q. And who were you told that by?

19 MR. SPAGET: Objection. Hearsay.

20 MR. BERZON: I'm laying a foundation.

21 THE COURT: Why is --

22 BY MR. BERZON:

23 Q. Was it a SAPA officer who told you so?

24 THE COURT: Okay, fine.

25 MR. SPAGET: Same objection.

**Kanuch - Direct / Berzon**

1           **THE COURT:** Okay.

2           **BY MR. BERZON:**

3           **Q.** What did they tell you?

4           **MR. SPAGET:** Same objection. Hearsay.

5           **THE COURT:** Well, it's being offered for  
6 essentially -- what is the -- state of mind and people who hear  
7 these sorts of things.

8           **MR. SPAGET:** For that purpose, it's irrelevant. For  
9 purposes of establishing what happens in a training class it's  
10 hearsay and it's inadmissible.

11           **THE COURT:** Well, why wouldn't it go to the state of  
12 mind of people -- if, in fact, management got up and said the  
13 one thing I don't want you to do is having anything to do with  
14 ALPA, why wouldn't that be admissible?

15           **MR. SPAGET:** There is no admissible evidence that is  
16 what is being said.

17           **THE COURT:** Because we haven't gotten there as to  
18 what he is going to say. You are objecting before we get  
19 there.

20           I think I have to at least hear what he said. It's  
21 not being offered for the truth of the matter, it's being  
22 offered to show what the state of mind would be of anybody who  
23 would hear something like that.

24           **MR. BERZON:** In fact, the truth of the matter,  
25 plaintiffs would disagree with the truth of the matter, but,

**Kanuch - Direct / Berzon**

1 yes.

2 **BY MR. BERZON:**

3 **Q.** Would you say that you were told by a SAPA officer as to  
4 what was said at the presentation?

5 **A.** I was told that Jim Black goes into these meetings and he  
6 speaks negatively about ALPA saying that it will limit the  
7 growth of SkyWest and basically tie their hands from further  
8 growth.

9 And he said -- he compares it to SAPA, that SAPA has  
10 the means to do it. It's free, you don't pay any dues like you  
11 have to pay with ALPA. And then he offers a way to go about  
12 utilizing SAPA, if you need any of SAPA's services, I guess you  
13 would call it.

14 **MR. SPAGET:** You know, I have to renew my objection.  
15 We have an unidentified person saying what somebody else says  
16 in a training program.

17 **THE COURT:** Who said this to you?

18 **THE WITNESS:** Mark Nolan.

19 **MR. BERZON:** President of SAPA.

20 **THE COURT:** All right, anyway, comes in subject to a  
21 motion to strike.

22 **MR. SPAGET:** For the record, he is in the courtroom  
23 and is not testifying on this.

24 **MR. BERZON:** Because we were limited.

25 If you would like to hear Mark Nolan --

**Emerson - Cross / Berzon**

1 entities that had the ability to do that, there was SAPA and  
2 there was the company. And then you said that is how I wrote  
3 it down, we communicate.

4 **A.** Yes.

5 **Q.** Who did you mean by "we"?

6 **A.** I'm sorry?

7 **Q.** Who do you mean by "we"?

8 **A.** When I said "we," I mean SkyWest management.

9 **Q.** I see. Okay.

10 When you are -- since there is -- can you explain to  
11 us that -- assuming that if the testimony we heard today is  
12 true, that, in fact, there are anti-ALPA statements or  
13 discussions of ALPA in the material that SAPA presents to the  
14 new hires at the training center during this short session that  
15 they hold with them, can you explain how that material is  
16 important in terms of your tight schedule that you have got to  
17 fit into?

18 **A.** It would be inappropriate and it wouldn't be part of the  
19 schedule.

20 **Q.** Okay.

21 I want to show you a letter that you wrote to  
22 Ms. Linda Lye on May 23rd, 2007.

23 **MR. BERZON:** And I would like to mark that as  
24 Plaintiff's Exhibit 18. It's not in the book.

25 **BY MR. BERZON:**